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March 15, 2021

**VIA ECF**

Honorable Ramon E. Reyes, Jr.  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Cummings-Roberts v. State of New York et al, No. 17-cv-07181 (E.D.N.Y.)

Your Honor:

This Office represents defendants the New York State Department of Taxation and Finance, John Moffettone, and Thomas Varghese (collectively, the "Defendants") in the above-referenced matter. I write, on behalf of Defendants and Plaintiff's counsel, to jointly request that the fact discovery deadline, currently scheduled for completion on March 19, 2021, be extended by ninety days to June 17, 2021. Additionally, we request that the April 1, 2021 status conference be adjourned to June 24, 2021, or such date that is convenient to the Court, so that we may have a more meaningful conference. This is the fifth request to modify the discovery schedule set forth in this action.

Since the Court granted the parties' fourth request to extend discovery, the parties have continued to face delays relating to the novel coronavirus (COVID-19) but have made substantial progress towards completing discovery. The parties were able to meet-and-confer several times specifically concerning discovery in this matter, in particular, Plaintiff's remaining outstanding discovery owed to Defendants and Defendants' outstanding responses to Plaintiff's request for extensive electronically stored information ("ESI"). Since the last extension, Plaintiff has produced hundreds of documents and authorizations owed to Defendants in response to their first document demands. Although, the parties have completed the exchange of the bulk of requested documents, we are still working towards completing the exchange of all ESI documents and obtaining the remaining outstanding documents from several providers identified by Plaintiff. The parties were also able to amicably meet-and confer multiple times with regard to the possibility of

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settlement and continue to discuss possible resolution of this matter.

The requested additional time will also permit the parties to continue to conduct depositions, which were commenced in December 2020, but have been delayed due to the parties' ongoing meet-and-confers with respect to outstanding documents and ESI discovery, and the ongoing production and review of hundreds of documents. The parties continue to work together to develop a deposition schedule based on witness availability and taking into consideration the technological limitations of witnesses whose depositions will need to be taken remotely due to the pandemic.

Accordingly, for the forgoing reasons, the parties respectfully request that the Court grant their request to extend the fact discovery deadline to June 17, 2021, and thank the Court for its time and consideration of this request.

Respectfully Submitted,

/s/ Stella Adegite  
Stella Adegite  
Assistant Attorney General

cc: Danilo Bandovic (by ECF)  
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